

CAUSE NO. 05-18-00098-CR

***IN THE
COURT OF APPEALS
FIFTH DISTRICT OF TEXAS
AT DALLAS***

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
10/07/2018 5:12:15 PM
LISA MATZ
Clerk

**JAMES BERKELEY HARBIN II,
Appellant
v.**

THE STATE OF TEXAS

MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEF

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW James Berekeley Harbin II, appellant herein, and respectfully submits this his third Motion to Extend Time for Filing Appellant's Brief pursuant to the provisions of **TEX. RULE. APP. 38.6 (d)** and in support thereof would show the Court as follows:

I.

The brief is currently due to be filed on August 7, 2018, the day counsel had back surgery.

II.

Appellant requests an extension of 61 days to October 7, 2018.

III.

Recently counsel for appellant has recently prepared and submitted the following appellate matters:

Scheel v. State,	Cause Nos. 05-18-00230/31-CR
Ector Soza v. State,	Cause No. PD-0881-18
Ramirez v. State,	Cause No. 05-18-00228-CR

III.

Two previous extension motions have been presented and granted. The brief is being tendered contemporaneously with this motion.

WHEREFORE, for the foregoing reasons appellant through counsel, respectfully requests that this Honorable Court grant this motion.

Respectfully submitted,

/s/ Lawrence B. Mitchell

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Motion is being served on the attorney for the State of Texas, Lori Ordiway, by e-mail at lori.ordway@dallascounty.org on this the 7th day of October, 2018.

/s/ Lawrence B. Mitchell

LAWRENCE B. MITCHELL